

EXHIBIT “E”

Harnik Wilker & Finkelstein LLP
Attorneys for Plaintiff
Greystone CDE, LLC
Olympic Tower
645 Fifth Avenue, 7th Floor
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
Greystone CDE, LLC,

Docket No. 07 civ. 8377 (RPP)

Plaintiff,

- against -

Sante Fe Pointe, L.P.,
Sante Fe Pointe Management, LLC,
Rant LLC, and
Theotis F. Oliphant

DEFAULT JUDGMENT

Defendants.
-----X

This action having been commenced on September 26, 2007, by the filing of the Summons and Complaint, and copies of the Summons and Complaint and the First Amended Complaint as of Right having been duly served upon the defendants, and proof of service thereof having been filed, and the defendants Sante Fe Pointe L.P., Sante Fe Pointe Management, LLC, Rant LLC, and Theotis F. Oliphant not having answered the Complaint and/or the First Amended Complaint, and the time for answering the Complaint and/or the First Amended Complaint as of Right having expired, it is

ORDERED, ADJUDGED AND DECREED: that the Plaintiff have judgment against the defendants Sante Fe Pointe L.P., Sante Fe Pointe Management, LLC, Rant LLC, and Theotis F. Oliphant jointly and severally in the liquidated amount of \$534,594.51 together with interest at the agreed upon *per diem* default rate of \$166.67 from August 21, 2007, amounting to \$ _____

plus costs of \$350 amounting in all to \$_____; and it is further

ORDERED, that Plaintiff's claim for attorneys' fees pursuant to contract is hereby severed and reserved for disposition at a later date.

Dated: New York, NY
October __, 2007

U.S.D.J.

Harnik Wilker & Finkelstein LLP
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Rant LLC, and
Theotis F. Oliphant

CLERK'S CERTIFICATE

Defendants.

-----X

I, J. Michael McMahon, Clerk of the Court, do hereby certify that this action was commenced on September 26, 2007; that according to the affidavit of Sarah C. Claridad, sworn to October 24, 2007, on September 27, 2007, service was made upon defendants Sante Fe Pointe L.P., Sante Fe Pointe Management, LLC, Rant LLC, and Theotis F. Oliphant by delivering true copies of the Summons and Complaint to Federal Express (airway bills and delivery confirmation on September 28, 2007 attached hereto as exhibit "1"); that the Partner Guaranty, Pledge and Security Agreement with plaintiff (annexed to the Complaint as exhibit "D") and the Developer Limited Guaranty, Pledge and Security Agreement (annexed to the Complaint as exhibit "E") each duly signed by the defendants herein, provide in pertinent part that "SERVICE OF PROCESS...MAY BE EFFECTED BY MAILING A COPY THEREOF BY REGISTERED OR CERTIFIED MAIL (OR ANY

SUBSTANTIALLY SIMILAR FORM OF MAIL) TO THE [DEFENDANTS]; that on October 1, 2007 Ann McFarland Draper, Esq., wrote plaintiff's attorney that she represented the defendants (exhibit 2 hereto); that according to the affidavit of Sarah C. Claridad, on October 5, 2007 the First Amended Complaint as of Right was served upon Ms. Draper by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to Ms. Draper; that the docket entry shows that no defendant herein has either answered or moved for an extension of time to respond to the Summons and Complaint and/or the First Amended Complaint as of Right and that they each are now in default of the Summons.

Clerk

Deputy Clerk

EXHIBIT 1

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RANT LLC

Tracking number	799724262873	Destination	El Cerrito, CA
Signed for by	Signature release on file	Delivered to	Residence
Ship date	Sep 27, 2007	Service type	Standard Pak
Delivery date	Sep 28, 2007 12:49 PM	Weight	3.0 lbs.
Status	Delivered		
Signature image available	No		

Date/Time	Activity	Location	Details
Sep 28, 2007 12:49 PM	Delivered	El Cerrito, CA	Left at front door. Package delivered to recipient address - release authorized
8:04 AM	On FedEx vehicle for delivery	EMERYVILLE, CA	
7:42 AM	At local FedEx facility	EMERYVILLE, CA	
7:35 AM	Departed FedEx location	OAKLAND, CA	
6:15 AM	Arrived at FedEx location	OAKLAND, CA	
4:20 AM	Departed FedEx location	MEMPHIS, TN	
12:34 AM	Arrived at FedEx location	MEMPHIS, TN	
12:15 AM	Departed FedEx location	NEWARK, NJ	
Sep 27, 2007 10:15 PM	Arrived at FedEx location	NEWARK, NJ	
8:57 PM	Left origin	NEW YORK, NY	
5:55 PM	Picked up	NEW YORK, NY	
1:31 PM	Package data transmitted to FedEx		

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Your Name: _____

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E-mail address

Language

Exception updates

Delivery updates

English

☐

English

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English

☐

English

☐

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Your Shipment Details:

Ship to:	Rant LLC 113 Carmel Avenue El Cerrito, CA 94530 US 510-390-0415	Package type: Pickup/Drop Off: Weight: Dimensions: Declared value: Shipper account number:	FedEx Pak give to scheduled courier at my location 3 LBS 0 x 0 x 0 in 0 USD 148437351
From:	Stephen Hamik HARNIK WILKER & FINKELSTEIN 645 FIFTH AVENUE, 7TH FLOOR NEW YORK, NY 10022 US 2125997575	Bill transportation to: Courtesy rate quote:* Discounted variable % Cod amount Special services: Shipment Purpose: Shipment type: Commercial/Residential Status:	148437351 16.72 Express Commercial
Tracking no:	799724262873		
Ship date:	Sep 27 2007		
Service type:	Standard Overnight		

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FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details.


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Track Shipments/FedEx Kinko's Orders

Detailed Results

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THEOTIS F. OLIPHANT

Tracking number	792570783613	Destination	El Cerrito, CA
Signed for by	Signature release on file	Delivered to	Residence
Ship date	Sep 27, 2007	Service type	Standard Pak
Delivery date	Sep 28, 2007 12:49 PM	Weight	3.0 lbs.
Status	Delivered		
Signature image available	No		

Date/Time	Activity	Location	Details
Sep 28, 2007 12:49 PM	Delivered	El Cerrito, CA	Left at front door. Package delivered to recipient address - release authorized
8:04 AM	On FedEx vehicle for delivery	EMERYVILLE, CA	
7:43 AM	At local FedEx facility	EMERYVILLE, CA	
7:35 AM	Departed FedEx location	OAKLAND, CA	
6:15 AM	Arrived at FedEx location	OAKLAND, CA	
4:20 AM	Departed FedEx location	MEMPHIS, TN	
12:34 AM	Arrived at FedEx location	MEMPHIS, TN	
12:15 AM	Departed FedEx location	NEWARK, NJ	
Sep 27, 2007 10:15 PM	Arrived at FedEx location	NEWARK, NJ	
8:57 PM	Left origin	NEW YORK, NY	
5:55 PM	Picked up	NEW YORK, NY	
1:28 PM	Package data transmitted to FedEx		

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Your E-mail Address: _____

E-mail address	Language	Exception updates	Delivery updates
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>



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Your Shipment Details:

Ship to:	Theotis F. Oliphant 113 Carmel Avenue El Cerrito, CA 94530 US 510-390-0415	Package type: Pickup/Drop Off: Weight: Dimensions: Declared value: Shipper account number:	FedEx Pak give to scheduled courier at my location 3 LBS 0 x 0 x 0 in 0 USD 148437351
From:	Stephen Hamik HARNIK WILKER & FINKELSTEIN 645 FIFTH AVENUE, 7TH FLOOR NEW YORK, NY 10022 US 2125997575	Bill transportation to: Courtesy rate quote:* Discounted variable % Cod amount Special services: Shipment Purpose: Shipment type: Commercial/Residential Status:	148437351 16.72 Express Commercial
Tracking no:	792570783613		
Ship date:	Sep 27 2007		
Service type:	Standard Overnight		

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Detailed Results [Print](#)*SANTA FE POINTE MANAGEMENT LLC*

Tracking number	799194699768	Destination	Edmond, OK
Signed for by	Signature release on file	Delivered to	Residence
Ship date	Sep 27, 2007	Service type	Standard Pak
Delivery date	Sep 28, 2007 11:35 AM	Weight	3.0 lbs.
Status	Delivered		
Signature image available	<u>No</u>		

Date/Time	Activity	Location	Details
Sep 28, 2007 11:35 AM	Delivered	Edmond, OK	Left at front door. Package delivered to recipient address - release authorized
7:58 AM	On FedEx vehicle for delivery	OKLAHOMA CITY, OK	
6:57 AM	At local FedEx facility	OKLAHOMA CITY, OK	
5:14 AM	At dest sort facility	OKLAHOMA CITY, OK	
4:14 AM	Departed FedEx location	MEMPHIS, TN	
12:34 AM	Arrived at FedEx location	MEMPHIS, TN	
12:15 AM	Departed FedEx location	NEWARK, NJ	
Sep 27, 2007 10:15 PM	Arrived at FedEx location	NEWARK, NJ	
8:57 PM	Left origin	NEW YORK, NY	
5:55 PM	Picked up	NEW YORK, NY	
1:25 PM	Package data transmitted to FedEx		

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Your Name:

Your E-mail Address:

E-mail address	Language	Exception updates	Delivery updates
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>

Select format: ☒ HTML ☐ Text ☐ Wireless

Add personal message:



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Your Shipment Details:

<p>Ship to:</p> <p>Sante Fe Pointe Management, LLC 16416 Oconee Creek Drive Edmond, OK 73013 US 510-390-0415</p> <p>From:</p> <p>Stephen Hamik HARNIK WILKER & FINKELSTEIN 645 FIFTH AVENUE, 7TH FLOOR NEW YORK, NY 10022 US 2125997575</p> <p>Tracking no: 799194699768 Ship date: Sep 27 2007 Service type: Standard Overnight</p>	<p>Package type: FedEx Pak Pickup/Drop Off: give to scheduled courier at my location Weight: 3 LBS Dimensions: 0 x 0 x 0 in Declared value: 0 USD Shipper account number: 148437351 Bill transportation to: 148437351 Courtesy rate quote:* 15.89 Discounted variable %: Cod amount: Special services: Shipment Purpose: Shipment type: Express Commercial/Residential Status: Commercial</p>
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Please note

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FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details.

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Detailed Results [Print](#)*Santa Fe Pointe L.P.*

Tracking number	790346767030	Destination	EDMOND, OK
Signed for by	Signature release on file	Delivered to	Residence
Ship date	Sep 27, 2007	Service type	Standard Pak
Delivery date	Sep 28, 2007 11:35 AM	Weight	3.0 lbs.
Status	Delivered		
Signature image available	<u>No</u>		

Date/Time	Activity	Location	Details
Sep 28, 2007	11:35 AM	Delivered	EDMOND, OK
			Left at front door. Package delivered to recipient address - release authorized
	7:58 AM	On FedEx vehicle for delivery	OKLAHOMA CITY, OK
	6:57 AM	At local FedEx facility	OKLAHOMA CITY, OK
	5:14 AM	At dest sort facility	OKLAHOMA CITY, OK
	4:14 AM	Departed FedEx location	MEMPHIS, TN
	12:34 AM	Arrived at FedEx location	MEMPHIS, TN
	12:15 AM	Departed FedEx location	NEWARK, NJ
Sep 27, 2007	10:15 PM	Arrived at FedEx location	NEWARK, NJ
	8:57 PM	Left origin	NEW YORK, NY
	5:55 PM	Picked up	NEW YORK, NY
	1:16 PM	Package data transmitted to FedEx	

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Your Name:

Your E-mail Address:

E-mail address	Language	Exception updates	Delivery updates
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>

Select format: ☒ HTML ☐ Text ☐ Wireless

Add personal message:

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Your Shipment Details:

Ship to:	Sante Fe Pointe L.P. 16416 OCONEE CREEK DR EDMOND, OK 730131274 US 5103900415	Package type: Pickup/Drop Off: Weight: Dimensions: Declared value: Shipper account number: Bill transportation to: Courtesy rate quote:* Discounted variable % Cod amount Special services: Shipment Purpose: Shipment type: Commercial/Residential Status:	FedEx Pak give to scheduled courier at my location 3 LBS 0 x 0 x 0 in 0 USD 148437351 148437351 17.48 Residential delivery Express Residential
From:	Stephen Hamik HARNIK WILKER & FINKELSTEIN 645 FIFTH AVENUE, 7TH FLOOR NEW YORK, NY 10022 US 2125997575		
Tracking no:	790346767030		
Ship date:	Sep 27 2007		
Service type:	Standard Overnight		

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EXHIBIT 2

FARBER & COMPANY
ATTORNEYS, LLP

847 Sansome Street, Suite LL, San Francisco, California 94111

October 1, 2007

By E-Mail and U.S. Mail

Stephen H. Harnik, Esq.
Harnik Wilker & Finkelstein LLP
645 Fifth Avenue, 7th Floor
New York, New York 10022

Re: *Greystone CDE LLC v. Santa Fe Pointe, LP, et al*

Dear Mr. Harnik:

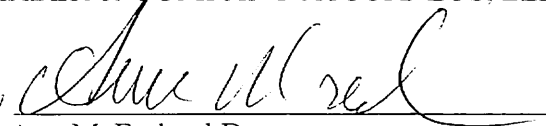
As you are already aware, this firm represents Theotis F. Oliphant, Rant LLC, Santa Fe Pointe LP and Santa Fe Pointe Management LLC. It has come to my attention that you have filed an action on behalf Greystone CDE, LLC against my clients in the United States District Court for the Southern District of New York, Case No. 07-civ-8377 (the "NY Action").

I write because my clients dispute your claim that they are subject to jurisdiction in NY Action. On behalf of the defendants named in the NY Action, we hereby demand that you dismiss that action forthwith. The District Court in which you filed lacks subject matter jurisdiction over the claims alleged, and it is hornbook law that subject matter jurisdiction cannot be conferred by agreement. In addition, I do not agree that any of my clients are subject to personal jurisdiction in New York. Moreover, my clients have already filed suit in Alameda County Superior Court (Case No. RG 07-345170) and your clients were served with summons and complaint in the action pending in Alameda County Superior Court before you filed the NY Action.

Accordingly, please dismiss the NY Action forthwith and notify me when you have done so. Should it become necessary for my clients to defend the NY Action in the forum in which it was filed, we will seek sanctions and attorneys fees.

Sincerely,
FARBER & COMPANY ATTORNEYS, LLP

By



Ann McFarland Draper

AMD:ms

cc: Mr. Theotis F. Oliphant